

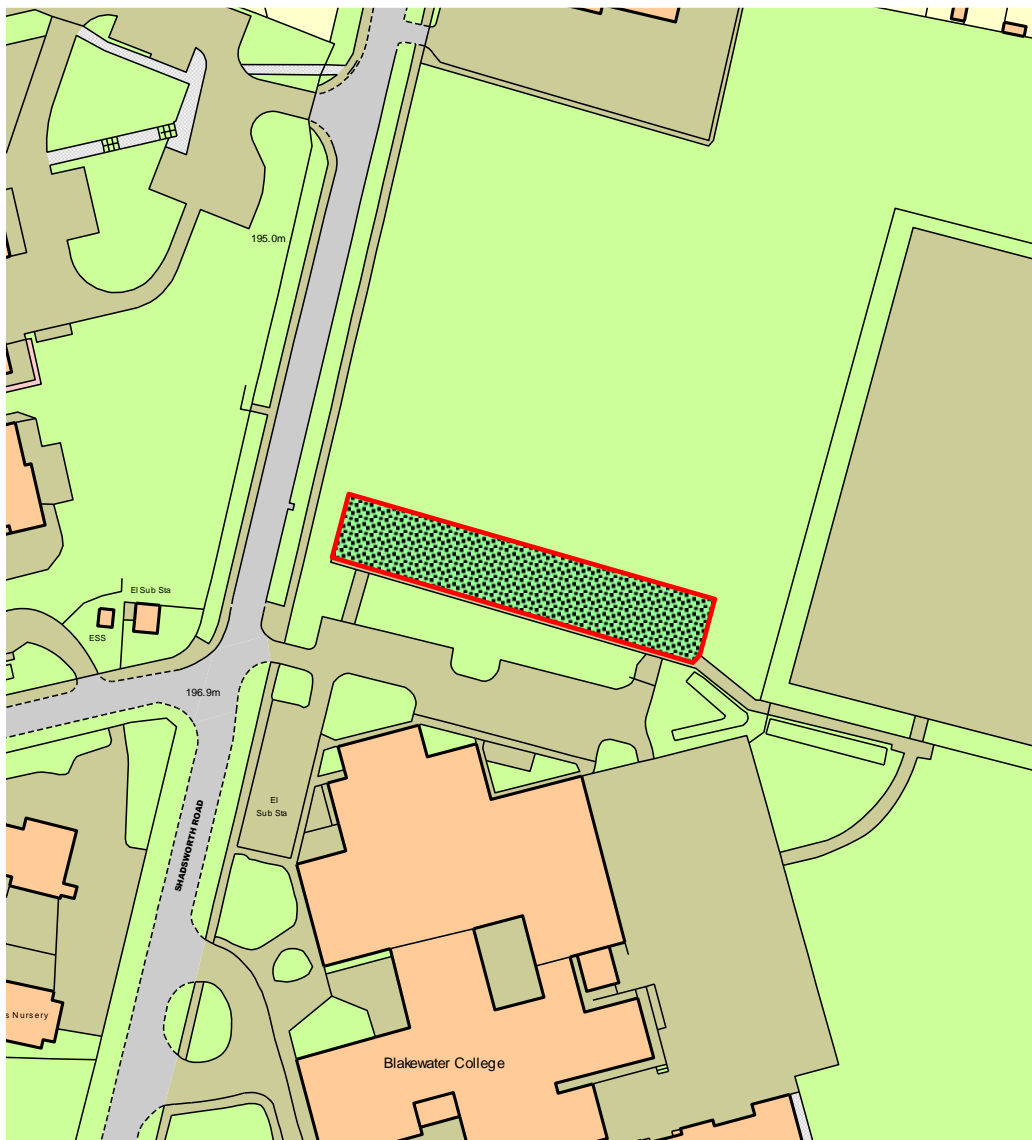
Proposed Development: Variation of Condition 1 (Temporary Time Period) to extend the date for the temporary structures to 01/04/2025, and removal of Condition 4 (Vehicle/Pedestrian Access Arrangements), pursuant to planning application 10/23/0377 – Temporary pod accommodation (10 sleeper & 2 dining pods)

Site Address: (land at) Shadsworth Leisure Centre, Shadsworth Road, Blackburn, BB1 2HT

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn South East

**Councillor Tony Humphrys
Councillor Vicky McGurk
Councillor James Shorrock**



1.0 SUMMARY OF RECOMMENDATION

1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the original application was determined at Committee in June 2023. The application site is also within the ownership of the Council.

2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 23 adjacent properties on 29/08/2024. A site notice was also displayed at the site access point on 06/09/2024. No public comments have been received for the application so far. Should any be received ahead of the committee meeting they will be presented as part of the update report.

2.3 The Council's development plan supports community led developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.

2.4 This application is made under Section 73 of the Town and Country Planning Act (1990). It involves varying the wording of Condition 1 that was imposed on the permission 10/23/0377. The condition limited the timeframe of the permission to 01/04/2024 and this application seeks to extend that temporary period by a further 12 months. Condition 4 is also required be removed as it is no longer necessary given that the relevant works have already been undertaken to an acceptable standard.

2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process or capable of being controlled or mitigated through appropriately worded planning conditions.

2.6 The key issues to be addressed in determining this application are follows;

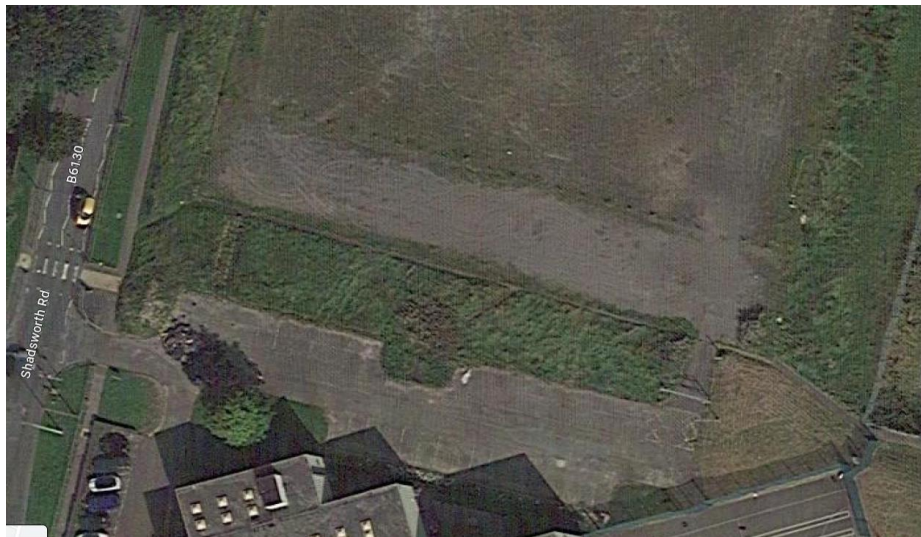
- Establishing the principle of development
- Assessing any design and visual amenity impacts
- Safeguarded the amenities of the immediate neighbours
- Ensuring adequate standards of public safety are provided
- Ensuring adverse impacts on the local highways network are avoided
- Assessing drainage provisions

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site forms part of a vacant leisure centre complex, which is located within the settlement boundary of Blackburn. The leisure centre is currently vacant and is scheduled for demolition, which was approved at Planning and Highways Committee in July 2023, under application 10/23/0445. Those works have now commenced.
- 3.1.2 The site covers an area of circa 0.3 acres. Recreational land surrounds to two sides with a large leisure centre building and carpark positioned immediately to the south. A school and commercial buildings are positioned to the west.

Figure One – Satellite image of the site

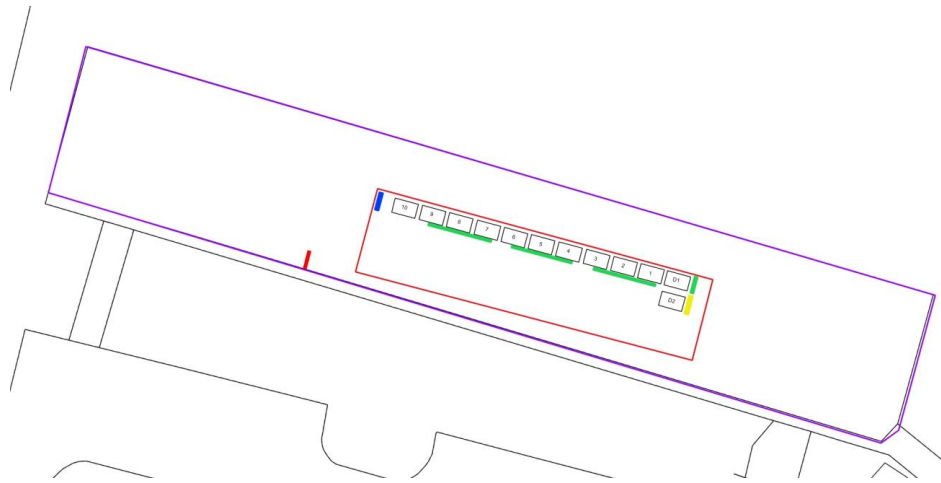


3.2 Proposed Development

- 3.2.1 As detailed above, this application seeks to vary the wording of Condition 1 in order to extend the timeframe of the temporary permission that was approved at Planning and Highways Committee in June 2023. An additional 12 months has been applied for, which would extend the timeframe of the permission until 01/04/2025. Condition 4 is also required to be removed as it is no longer necessary.
- 3.2.2 The original planning application (10/23/0377) involved the siting of temporary residential accommodation in the form of 10 sleeper pods and 2 diner pods. The sleeper pods are arranged in a linear formation with the diner pods positioned to the east edge of the site. On-site security, waste storage facilities, lighting and CCTV are also provided.
- 3.2.3 The site has a single access point from Shadsworth Road, which will be used for all vehicular traffic. Various ground works were previously undertaken in order to provide a level stable base for the pods. Separate vehicular and

pedestrian links have also been formed connecting the site to Shadsworth Road.

Figure Two – Proposed Site Plan



3.3 Case Officer Site Photos



3.4 Local Plan (2021 – 2037)

- Policy CP2: The Spatial Approach
- Policy CP9: Securing High Quality and Inclusive Design
- Policy DM02: Protecting Living and Working Environments
- Policy DM03: Housing Mix, Standards and Densities
- Policy DM13: Flooding and SuDS
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 The proposed development would not materially conflict with the original assessment that established the principle of development. The types of accommodation in situ serve a temporary niche need but they should not be retained indefinitely given their nature. Condition 1 was imposed on application 10/23/0377 partly on that basis.

4.1.2 This application partly seeks to extend their siting period until 01/04/2025. Such a minor form of development would not lead to any adverse spatial planning complications. For those reasons, the proposed development is thus acceptable in principle, in accordance with the relevant requirements of Policies CP2 and DM03.

4.2 Design and Visual Amenity

4.2.1 The site is positioned within an urban area that has a highly varied streetscene. Policy CP8 states that the Council will require all new development to be of a high standard of design consistent with the principles set out in the relevant local design guidance. Policy DM02 states that development will be permitted where it can be demonstrated that it will contribute positively to the overall physical and environmental character of the area. Policy DM27 states that all development shall achieve a high quality, sustainable design consistent with several pre-defined characteristics.

4.2.2 The temporary nature of the development must be taken into account when assessing design impacts. Condition 1 was also imposed on application 10/23/0377 partly on visual amenity grounds. Extending the siting period of the pods would not lead to any adverse visual amenity complications. For those reasons, the proposed development is thus acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policies CP8, DM02 and DM27

4.3 Residential Amenity and Public Safety

4.3.1 The surrounding land uses are exclusively non-residential and there are no dwellings within a near proximity. Further requirements within Policy DM02 states that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for existing and future occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, open space, provision and the relationship between buildings.

4.3.2 BwD Public Protection have reviewed the merits of the application, and no objections have been raised. Owing to ample separation, the proposed pods are not harmful to the amenities of the closest neighbours.

4.3.3 Regarding public safety, a Risk Assessment was prepared as part of the original application that appraised any potential risks on site. The hazards identified included the potential fire risk of the adjacent leisure centre. A Fire Audit Report and Pod Safety Logbook was also provided. Those arrangements are still in place, and they remain unchanged.

4.3.4 Those documents demonstrate that adequate diligence would be applied by the managers of the development and that safety protocols will be properly followed. It should also be noted that Lancashire Fire and Rescue have raised no concerns to the operations previously. For those reasons, the proposed

development is thus acceptable with reference to residential amenity and public safety, in accordance with the relevant requirements of Policy DM02.

4.4 Highways and Parking

4.4.1 The site is accessed by a historic access point from Shadsworth Road. Policy DM29 states that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users (including bus passengers, refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced. Appropriate provision must also be made for vehicle access and off-street servicing.

4.4.2 The access arrangements for vehicles and pedestrians were an unknown when the original application was assessed, and a condition was imposed to control those details. The required works have since been implemented to an acceptable standard and separate arrangements are now in place for vehicular and pedestrian traffic.

Figure Three – Recently reinstated pedestrian access arrangements



4.4.3 The removal of Condition 4 would therefore not cause any adverse highway safety complications. For those reasons, the proposed development is thus acceptable with reference to highways and parking, in accordance with the relevant requirements of Policy DM29.

4.5 Drainage Assessments

4.5.1 The previously agreed details involved foul waters being stored within a septic tank, which would need weekly emptying. Policy DM13 contains general requirements regarding and the provision of adequate drainage systems. BwD Drainage raised no objections to application 10/23/0377 and the same provisions are proposed here. For those reasons, the proposed development is acceptable with reference to drainage assessments, in accordance with Policy DM13.

4.6 Summary

- 4.6.1 This application is made under Section 73 of the Town and Country Planning Act (1990). It involves varying the wording of Condition 1 that was imposed on the permission 10/23/0377. The condition limited the timeframe of the temporary permission to 01/04/2024 and this application seeks to extend that temporary period by a further 12 months. Condition 4 is also required to be removed as it is no longer necessary.
- 4.6.2 Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.
- 4.6.3 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and in terms of design and visual amenity, residential amenity and public safety, highways and parking, and drainage assessments.
- 4.6.4 The proposed development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

Delegated authority is given to the Deputy Chief Executive and Strategic Director of Growth and Development to approve planning permission, subject to the following conditions:

- 5.1 (VARIED) This permission covers a temporary period alone and the development hereby approved shall be entirely removed on or before **01/04/2025**.

REASON: In order to ensure the development is not retained indefinitely, in the interests of preventing the permanent siting of modular residential accommodation and visual amenity, to comply with the requirements of Policies CP8, DM02, DM03 and DM27 of the Blackburn with Darwen Borough Council Local Plan (2021-2037).

- 5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on the following drawings and supporting documents: Location Plan (JS-GROWTH), Proposed Site Plan (1:500), 1093/JD/001, Sleeper Unit Technical Specifications and Diner Unit Technical Specifications.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

5.3 The external materials to be used for the construction of the development hereby approved shall be as stated on the submitted application form and approved drawings.

REASON: Those materials are acceptable for this development and site, in the interests of visual amenity, and to comply with the requirements of Policies CP8, DM02 and DM27 of the Blackburn with Darwen Borough Council Local Plan (2021-2037).

5.4 (REMOVED)

6.0 RELEVANT PLANNING HISTORY

- 10/23/0445 – Demolition of two-storey Shadsworth Leisure Centre – Prior approval is given – July 2023 (committee decision).
- 10/23/0377 – Temporary pod accommodation (10 sleeper & 2 dining pods) – Approved, with conditions – June 2023 (committee decision).
- 10/23/0277 – Removal of Condition No.1 pursuant to planning application 10/22/1066 'Proposed temporary pod accommodation - 10 Sleeper pods and 2 diner pods for severe weather exposure provision (SWEP) over the winter period' - To extend the date for the temporary permission – Application withdrawn in order to allow for the pods to be repositioned.
- 10/22/1066 – Proposed temporary pod accommodation - 10 Sleeper pods and 2 diner pods for severe weather exposure provision (SWEP) over the winter period – Approved, with conditions – December 2022 (committee decision).

7.0 CONSULTATIONS

7.1 BwD Property Services – No objections.

7.2 BwD Public Protection – No objections.

7.3 BwD Highways – No objections.

7.4 Ward Cllrs – No objections.

7.5 No public responses have been received

8.0 **CONTACT OFFICER:** Christian Barton – Planning Officer

9.0 **DATE PREPARED:** 1st October 2024

10.0 **SUMMARY OF REPRESENTATIONS** – none received.